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18 UNITED STATES DISTRICT COURT

19 NORTHERN DISTRICT OF CALIFORNIA

20 SAN FRANCISCO DIVISION

21 UNITED STATES OF AMERICA,) Case No. 18-CR-577 CRB
22 Plaintiff,) [PROPOSED] ORDER GRANTING UNITED
23 v.) STATES' MOTION FOR FOREIGN DEPOSITIONS
24 MICHAEL RICHARD LYNCH, and) UNDER RULE 15 OF THE FEDERAL RULES OF
25 STEPHEN KEITH CHAMBERLAIN,) CRIMINAL PROCEDURE
26 Defendants.) Date: November 1, 2023
27) Time: 1:30 p.m.
28) Court: Hon. Charles R. Breyer
29) Courtroom 6, 17th Floor

30 Good cause shown, it is HEREBY ORDERED that the United States' Motion for Foreign
31 Depositions Under Rule 15 of the Federal Rules of Criminal Procedure is GRANTED. The Court
32 ORDERS pre-trial depositions of Marc Geall, David Toms, Fernando Lucini, Sean Blanchflower,
33 Christopher Goodfellow, and Ian Black. The Court FINDS exceptional circumstances for such
34 depositions and that they are in the interest of justice under Rule 15. The depositions shall occur at dates
35 and times in advance of trial to be further negotiated by the parties. The parties may use all or part of
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1 the deposition as provided by the Federal Rules of Evidence, as set forth in Federal Rule of Criminal
2 Procedure 15(f).

3 The Court makes the following case-specific findings: (A) the witnesses' testimony could
4 provide substantial proof of a material fact in a felony prosecution; (B) there is a substantial likelihood
5 that the witnesses' attendance at trial cannot be obtained; (C) the witnesses' presence for a deposition in
6 the United States cannot be obtained; (D) defendant Lynch cannot be present because no reasonable
7 conditions will assure an appearance at the deposition or at trial or sentencing; and (E) defendant Lynch
8 can meaningfully participate in the deposition through video or other reasonable means.

9 If Geall, Toms, Lucini, Blanchflower, Goodfellow, or Black accepts service of subpoena, no
10 deposition shall occur for such witness.

11 DATED: _____

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13 THE HONORABLE CHARLES R. BREYER
14 UNITED STATES DISTRICT JUDGE
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